

At United States District Court,  
Easter District of New York, 225  
Cadman Plaza East, Brooklyn, New  
York 11201 on the

3 day of January, 2008.

P R E S E N T :

Hon. Ramon E. Reyes, Jr.  
United States Magistrate Judge

-----X  
ANAND DASRATH,

Plaintiffs,

-against-

ORDER TO  
SHOW CAUSE

ROSS UNIVERSITY SCHOOL OF MEDICINE,

Case No.:  
07 CV 2433

Defendants.

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Upon reading and filing the affirmation of BRADLEY M. ZELENITZ, dated December 20, 2007, and the exhibits annexed thereto, and all the pleadings and proceedings had herein, now it is hereby

ORDERED, that Plaintiff and counsel for Defendant show cause before this court at 225 Cadman Plaza East, Courtroom A, North Wing Brooklyn, New York 11201 on the 9th day of January, 2008 at 2:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why an order should not be entered:

- a) permitting the Law Office of GILDIN, ZELENITZ & SHAPIRO, P.C. to withdraw as counsel for the Plaintiff;
- b) Staying this action for a reasonable time to be determined by this Court so that Plaintiff can obtain new counsel if he so chooses;

c) Fashioning such other and further relief as the Court may deem just, proper and equitable, and, it is hereby

**ORDERED, that all proceedings in this action be temporarily stayed pending the hearing of the within application.**

Sufficient reason appearing therefor, let service of a copy of this order, together with the papers upon which it was granted, upon Plaintiff at 89-25 209<sup>th</sup> Street, Queens Village, NY 11407, and upon all counsel for Defendant by Certified Mail, Return Receipt Requested on or before the before the \_\_\_\_\_ day of \_\_\_\_\_, 2008, be deemed sufficient service.

E N T E R Dated: 1/3/2008

/s/ Ramon E. Reyes, Jr.  
Magistrate Judge

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ANAND DASRATH,

Plaintiffs,

-against-

ROSS UNIVERSITY SCHOOL OF MEDICINE,

Defendants.  
-----X

AFFIRMATION  
IN SUPPORT

Case No.:  
07 CV 2433

**BRADLEY M. ZELENITZ**, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following to be true pursuant to the penalty of perjury:

1. I am fully familiar with the facts and circumstances of this action based upon a review of the case file and the investigation materials contained therein.
2. I submit this Affirmation and the Exhibits in support of the within application for an Order to Show Cause seeking the following relief:
  - a) Permitting the Law Office of GILDIN, ZELENITZ & SHAPIRO, P.C. to withdraw as counsel for the Plaintiff;
  - b) Staying this action for a reasonable time to be determined by this Court so that Plaintiff can obtain new counsel if he so chooses;
  - c) Fashioning such other and further relief as the Court may deem just, proper and equitable.
3. The within action was commenced by Plaintiff to recover damages sustained as a result of Defendant's violation of the Plaintiff's rights under the Age Discrimination Act

of 1975, 42 U.S.C. §6102 and the New York Executive Law §296(4) and breach of contract between the parties hereto. A copy of Plaintiff's complaint is annexed hereto as Exhibit "A".

4. The Plaintiff consulted my firm conveying to me the specific goals he wished to arrive at in the prosecution of the instant action. Based upon said consultation, and the Plaintiff's expressed request, your affirmant undertook the duty to prosecute Plaintiff's claims, however, after making progress and succeeding in Plaintiff's favor, the Plaintiff completely changed his expectations and goals and stated that he sought completely different relief than what were his initial intentions.
5. Furthermore, the Plaintiff telephoned your affirmant and engaged in an unprovoked verbal attack upon me. As such, Gildin, Zelenitz & Shapiro, P.C. respectfully ask to be relieved as attorneys of record in the above referenced matter as the attorney-client relationship with the Plaintiff has eroded to a point beyond repair. The cooperation needed to properly represent the interests of the Plaintiff does not exist. We do not expect the situation to improve, and thus we are in an untenable position.
6. Your affirmant would be happy to discuss the particulars with the court, ex parte, so as not to prejudice the rights of the Plaintiff.

7. Pursuant to Disciplinary Rule Section 2-110(c)(1)(d), a request to withdraw as counsel may be granted on the grounds that the clients "conduct renders it unreasonably difficult for the lawyer to carry out his employment effectively".
8. Your affirmant does not believe that it would be appropriate to divulge further details for fear of prejudicing the Client *vis-a-vis* the Court's perspective and for fear of disclosing confidential attorney-client information to the adversary.
9. Based upon the foregoing, this firm requests to be relieved as counsel from this matter.
10. Additionally, it is respectfully requested that all proceedings be temporarily stayed pending the hearing of the within application, and, if the within application is granted, that the within action be stayed for a time to be determined by the court so that Plaintiff can obtain new counsel if he so chooses.
11. No previous application for the relief herein prayed for has been made.

Dated: Queens, New York  
December 20, 2007

Respectfully submitted,

GILDIN, ZELENITZ & SHAPIRO, P.C.  
Attorneys for Plaintiff

By:           /S/O/F            
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**Exhibit "A"**